

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

THOMAS TERRY WILLIAMS, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-cv-237-NBB-JMV

**PANOLA COUNTY, MISSISSIPPI,
AND LYGUNNA BEAN**

DEFENDANTS

ORDER

This cause comes before the court upon the defendants' motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. The defendants seek dismissal of plaintiff Thomas Terry Williams' state law claims against Panola County for discharge in violation of Mississippi's public policy and defamation. Subsequently, however, the defendants moved for summary judgment as to these claims, and the issues presented in the defendants' motion for judgment on the pleadings are subsumed therein.

When a party requests relief under both Federal Rules of Civil Procedure 12(c) and 56(c), "courts in the Fifth Circuit prefer to evaluate such motions on grounds provided by Rule 56 for summary judgment." *Smith v. Lamar County Jail*, No. 4:20-CV-00067-SDJ-CAN, 2020 WL 7133535, at *1 n.1 (E.D. Tex. Oct. 20, 2020). Accordingly, the court finds that the defendants' motion for judgment on the pleadings should be denied as moot, and the court will address the issues presented therein when ruling on the defendants' motion for summary judgment.

It is, therefore, **ORDERED AND ADJUDGED** that the defendants' motion for judgment on the pleadings is **DENIED** as moot.

This 27th day of September, 2021.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE